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EXAMINER DURNFORD GESZVAI, DILLON				
ART UNIT 2622		PAPER NUMBER		
NOTIFICATION DATE 02/20/2009		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PATDOCTC@fr.com

Office Action Summary

Application No.

10/713,662

Applicant(s)

PAGE ET AL.

Examiner

Dillon Durnford-Geszvain

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Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 January 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 November 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/5508)
- Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/5/2008 has been entered.

Response to Amendment

2. Claims **21-40** are pending, claims **21-40** are newly added, and claims **1-20** are cancelled.

Response to Arguments

3. Applicant's arguments filed 12/5/2008 have been fully considered but they are not persuasive.
4. The Applicant argues that Ard does not teach the limitation of a page one side of a bound document while a first camera takes an image of the first side, and the page covers the other side of the bound document while a second camera takes an image of the second side. The Applicant argues that Ard teaches simultaneous capture of both sides and that therefore it cannot be read

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on the claimed sequential capture of the second side uncovered by the page.

The Examiner respectfully disagrees. The claimed limitation of sequential capture does not require that the image of the second side uncovered by the page is captured immediately following the capture of the image of the first side. It simply requires that the capture of the image of the second page, uncovered by the page, is completed after the image of the first side has been captured. In other words, there can be intervening events.

Therefore, as will be explained in greater detail below, when Ard is used to scan a bound document (such as a book) the system would in fact perform the operations of the claim. When a book is placed in the scanner there are two pages, n (left side/first side) and $n+1$ (right side/second side), visible to the scanning device. The page labeled $n+2$ is printed on the reverse side or back of page as $n+1$.

In a first scanning operation the user causes pages n and $n+1$ to be scanned. After the first scanning operation the operator turns page $n+1$ to expose pages labeled $n+2$ and $n+3$. In a second scanning operation the user causes pages $n+2$ and $n+3$ to be scanned. When the first side (the left side, page n) is being scanned, a second side $n+3$ is covered by a page ($n+1/n+2$). Then the operator covers the first side with the page ($n+1/n+2$). Then, when the second side (the right side, page $n+3$) is being scanned, the left side is covered by the page ($n+1/n+2$). (C3 L46-63). Therefore, Ard reads on the broadest reasonable interpretation of the limitations of the claim.

5. Also, note that as applicant has failed to traverse the old and well known statements of claim 1 in the Office Action mailed 6/22/2007, providing a flash memory card in a camera and providing other flash memory cards that can be used if the first cards become full are now considered admitted prior art. See MPEP 2144. 03 (c).

Drawings

6. The drawings are objected to because the figure at the bottom of page 3 of 4 and the figure on page 4/4 are both labeled "FIG. 5". Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection

to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

7. Claim **29** is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.
8. Claim **29** recites the limitation "wherein **the cameras** include a first pair of flash memory cards, and a second pair of flash memory cards" (Emphasis added). This would require that the cameras simultaneously contain both a first and second pair of memory cards. The Examiner can not find support for the cameras containing two memory cards. In fact it is clear from Fig. 2 and paragraph [0026] that the cameras each contain just one flash memory card.

Claim Rejections - 35 USC § 102

9. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
10. **Claims 21-23, 25, 26, 28, 30-32, 35, 36 and 38 are rejected under 35 U.S.C. 102(b) as being anticipated by US 5,777,660 (Ard).**
11. As to claim **21**, Ard teaches an imaging system for imaging a bound document, comprising:

a first camera 142 positioned to capture an image of a first side of the

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bound document (the left side);

a second camera 140 positioned to capture an image of a second side of the bound document (the right side); and

at least one page (a page of a bound document such as a book) that selectively covers one of the first side and the second side of the bound document, wherein the first camera 142 images the first side (page number n , for example) of the bound document while the first side is not covered by the at least one page and the second side is covered by the at least one page (the second camera 140 is simultaneously capturing an image of the at least one page, page number $n+1$), and the second camera subsequently images the second side (page number $n+3$) of the bound document while the second side is not covered by the at least one page and the first side is covered by the at least one page (the first side would be covered by page number $n+2$, and the first camera would capture an image of the at least one page at the same time it is capturing an image of the second side, page number $n+3$).

12. As to claim **22**, see the rejection of claim **21** and note that Ard further teaches the imaging system of claim **21**, further comprising a support 20 for holding the bound document thereon, the first and second sides of the bound document facing away from the support (Fig. 1 and C2 L49-53).

13. As to claim **23**, see the rejection of claim **21** and note that Ard further teaches the imaging system of claim **21**, further comprising a separate high

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speed data interface (ribbon connector 184 and ribbon cable 186) for directly transmitting captured images from each of the first and second cameras (C4 L46-63, note that the scanner can scan an 11X17 inch page in less than 4 seconds, the Examiner interprets this as encompassing high speed transfer) to a memory device (it is inherent for the cameras to transfer the captured images to a memory device, because if the images were not stored on a memory device the scanner assembly of Ard would be useless for scanning books as it would simply capture images of successive pages and then destroy said image when a next picture is taken).

14. As to claim **25**, see the rejection of claim **21** and note that Ard further teaches the imaging system of claim **21**, further comprising:

a first flash 134 associated with the first camera 142 for selectively lighting the first side simultaneously with the first camera capturing the image of the first side (Fig. 5 and C4 L21-27); and

a second flash 132 associated with the second camera 140 for selectively lighting the second side simultaneously with the second camera subsequently capturing the image of the second side (Fig. 5 and C4 L21-27).

15. As to claim **26**, see the rejection of claim **21** and note that Ard further teaches the imaging system of claim **21**, further comprising a positioner 12 for positioning the at least one page, the positioner having a first position for positioning the at least one page over the first side, and a second position for

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positioning the at least one page over the second side (Fig. 5 and note that the first and second positions are offset by what appears to be an acute angle).

16. As to claim **28**, see the rejection of claim **21** and note that Ard further teaches the imaging system of claim **21**, wherein the first and second cameras are high definition cameras (note that this is a term of degree and it is not clear from the claims what the cut-off is for a camera being considered high definition, but for example, see Column 4 lines 46 to 67 of Ard).

17. Claims **30-32**, **35**, **36** and **38** are method claims that correspond to the apparatus of claims **21-23**, **25**, **26** and **28** respectively and are rejected on similar grounds.

Claim Rejections - 35 USC § 103

18. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

19. Claims 24, 29, 33 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 5,777,660 (Ard) in view of the Examiners Official Notice.

20. As to claim **24**, see the rejection of claim **21** and note that Ard does not teach that the cameras contain memory cards.

However, the Examiner takes Official Notice that it was old and well known at the time the invention was made to provide a flash memory card in a

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camera. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided the first and second cameras of Ard with flash memory devices for storing the captured images as this provides a cost effective method of storing captured images.

As applicant has failed to traverse the above old and well known statements in the rejection of now cancelled claim 1 in the Office Action mailed 6/22/2007, providing a flash memory card in a camera and providing other flash memory cards that can be used if the first cards become full are now considered admitted prior art. See MPEP 2144. 03 (c).

21. As to claim 29, see the rejection of claim 21 and note that Ard does not teach that the cameras contain a pair memory cards, and providing a second pair of memory cards for swapping with the first pair of memory cards.

Ard does not teach that the cameras contain memory cards.

However, the Examiner takes Official Notice that it was old and well known at the time the invention was made to provide a flash memory card in a camera and to provide other flash memory cards that can be used if the first cards become full. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided the first and second cameras of Ard with flash memory devices for storing the captured images and provided additional memory cards for swapping if the first cards became full as this provides a cost effective method of storing captured images.

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22. Claims **33** and **40** are method claims that correspond to the apparatus of claims **24** and **29** respectively and are rejected on similar grounds.

23. **Claims 27 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 5,777,660 (Ard) in view of US 6,491,278 (Thomsen).**

As to claim **27**, see the rejection of claim **21** and note that Ard does not explicitly teach that the bound document is tilted at an angle toward an operator. However Thomsen teaches a support for a notebook that is tilted at an angle towards a user because this provides for more friendly access by a user (see Fig. 1). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to have tilted the open bound document towards an operator as this allows for more friendly access by an operator (Column 2 lines 65-67).

24. Claim **37** is a method claims that correspond to the apparatus of claim **27** and is rejected on similar grounds.

25. **Claims 39 is rejected under 35 U.S.C. 103(a) as being unpatentable over US 5,777,660 (Ard) in view of US 2,406,152 (Levine).**

As to claim **39**, see the rejection of claim **30** and note that although Ard teaches an operator handle 90 with the scan button on located thereon it is not taught that the scan button can be a foot pedal. However, Levine teaches a camera that operates with a foot pedal because the operator's hands are

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otherwise occupied (see Fig. 1 and Column 4 lines 39-59). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to have made the placed the scan button on a foot pedal as this would free the hands to perform other tasks.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dillon Durnford-Geszvain whose telephone number is (571)272-2829. The examiner can normally be reached on Monday through Friday 8 am to 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Dillon Dumford-Geszvain

2/13/2008

/David L. Ometz/
Supervisory Patent Examiner, Art Unit 2622